

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS,
CORPUS CHRISTI DIVISION**

**DIAGNOSTIC AFFILIATES OF
NORTHEAST HOU, LLC D/B/A 24 HOUR
COVID RT-PCR LABORATORY**

Plaintiff,

v.

90 DEGREE BENEFITS, INC.

Defendants.

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C.A. No. 2:22-CV-00013

NOTICE OF NONSUIT AND REQUEST FOR DISMISSAL

COMES NOW Diagnostic Affiliates of Northeast Hou, LLC d/b/a 24 Hour Covid RT-PCR Laboratory (“24 Hour Covid” or “Plaintiff”) herein files its Notice of Nonsuit without prejudice and request for dismissal and states that Plaintiff does not seek to prosecute this case against Defendant, 90 Degree Benefits, Inc. at this time.

Plaintiff would also show the following:

1. Plaintiff filed its Complaint on January 25, 2022.
2. Defendant was served with the Summons and Complaint on February 19, 2022, and Defendant then filed an answer [Doc. 8] on March 12, 2022, and Disclosure of Interested Parties [Doc. 11] on March 30, 2022.
3. Defendants have not filed a motion for summary judgement in this matter. Fed. R. Civ. P. 41 (a)(1)(A)(i).
4. Plaintiff respectfully requests the Court direct the Clerk of the Court to dismiss and close this case.

Respectfully submitted,

By: /s/ Ebad Khan
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Attorney for Plaintiff

Filed on this April 6, 2022.

CERTIFICATE OF CONFERENCE

The undersigned counsel hereby certifies that on April 4, 2022, he conferred with counsel for 90 Degree Benefit, Inc. regarding the relief requested in this Motion, and 90 Degree Benefit, Inc. is unopposed to the relief requested herein.

By /s/ Ebad Khan
Ebad Khan

CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Notice of Nonsuit and Request for Dismissal* was electronically filed on April 6, 2022, with the Clerk of the Court using the CM/ECF system, which sends notice of electronic filing to all counsel of record.

/s/ Ebad Khan
ATTORNEY FOR PLAINTIFF